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(b) A written order may exempt any of the following persons from any of the prohibitions contained in the order:

(1) Persons with written permission authorizing the otherwise prohibited act or omission. The authorized officer may include in any written permission such conditions considered necessary for the protection of a person, or the lands or water surface and resources or improvements located thereon.

(2) Owners or lessees of property within the boundaries of the designated wild and scenic river area.

(3) Residents within the boundaries of the designated wild and scenic river area.

(4) Any Federal, State, or local government officer or member of an organized rescue or fire suppression force in the performance of an official duty.

(5) Persons in a business, trade or occupation within the boundaries of the designated wild and scenic river area.

(c) The violation of the terms or conditions of any written permission issued under paragraph (b)(1) of this section is prohibited.

(d) Posting is accomplished by:

(1) Placing a copy of an order in each local office having jurisdiction over the lands affected by the order; and

(2) Displaying each order near and/or within the affected wild and scenic river area in such locations and manner as to reasonably bring the prohibitions contained in the order to the attention of the public.

(e) When provided by a written order, the following are prohibited:

(1) Going onto or being upon land or water surface;

(2) Camping;

(3) Hiking;

(4) Building, maintaining, attending or using a fire;

(5) Improper disposal of garbage, trash or human waste;

(6) Disorderly conduct; and

(7) Other acts that the authorized officer determines to be detrimental to the public lands or other values of a wild and scenic river area.

(f) Any person convicted of violating any prohibition established in accordance with this section shall be punished by a fine of not to exceed \$500 or by imprisonment for a period not to exceed 6 months, or both, and shall be ad-

judged to pay all costs of the proceedings.

(16 U.S.C. 1281(c), 16 U.S.C. 3)

[45 FR 51741, Aug. 4, 1980]

PART 8360—VISITOR SERVICES

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AUTHORITY: 43 U.S.C. 1701 *et seq.*, 43 U.S.C. 315a, 16 U.S.C. 1281c, 16 U.S.C. 670 *et seq.*, 16 U.S.C. 4601-6a, 16 U.S.C. 1241 *et seq.*

SOURCE: 48 FR 36384, Aug. 10, 1983, unless otherwise noted.

Subpart 8360—General

§ 8360.0-3 Authority.

The regulations of this part are issued under the provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*), the Sikes Act (16 U.S.C. 670g), the Taylor Grazing Act (43 U.S.C. 315a), the Wild and Scenic Rivers Act (16 U.S.C. 1281c), the Act of September 18, 1960, as amended, (16

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U.S.C. 877 *et seq.*), the Land and Water Conservation Fund Act (16 U.S.C. 4601-6a) and the National Trails System Act (16 U.S.C. 1241 *et seq.*).

§ 8360.0-5 Definitions.

As used in this part, the term:

(a) *Authorized officer* means any employee of the Bureau of Land Management who has been delegated the authority to perform the duties described in this part.

(b) *Campfire* means a controlled fire occurring out of doors, used for cooking, branding, personal warmth, lighting, ceremonial or aesthetic purposes.

(c) *Developed sites and areas* means sites and areas that contain structures or capital improvements primarily used by the public for recreation purposes. Such sites or areas may include such features as: delineated spaces for parking, camping or boat launching; sanitary facilities; potable water; grills or fire rings; tables; or controlled access.

(d) *Public lands* means any lands and interests in lands owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management without regard to how the United States acquired ownership.

(e) *Vehicle* means any motorized transportation conveyance designed and licensed for use on roadways, such as an automobile, bus, or truck, and any motorized conveyance originally equipped with safety belts.

[48 FR 36384, Aug. 10, 1983, as amended at 57 FR 61243, Dec. 23, 1992]

§ 8360.0-7 Penalties.

Violations of any regulations in this part by a member of the public, except for the provisions of § 8365.1-7, are punishable by a fine not to exceed \$1,000 and/or imprisonment not to exceed 12 months. Violations of supplementary rules authorized by § 8365.1-6 are punishable in the same manner.

Subpart 8361—Emergency Services [Reserved]

Subpart 8362—Interpretive Services [Reserved]

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Subpart 8363—Resource and Visitor Protection [Reserved]

Subpart 8364—Closures and Restrictions

§ 8364.1 Closure and restriction orders.

(a) To protect persons, property, and public lands and resources, the authorized officer may issue an order to close or restrict use of designated public lands.

(b) Each order shall:

(1) Identify the public lands, roads, trails or waterways that are closed to entry or restricted as to use;

(2) Specify the uses that are restricted;

(3) Specify the period of time during which the closure or restriction shall apply;

(4) Identify those persons who are exempt from the closure or restrictions;

(5) Be posted in the local Bureau of Land Management Office having jurisdiction over the lands to which the order applies;

(6) Be posted at places near and/or within the area to which the closure or restriction applies, in such manner and location as is reasonable to bring prohibitions to the attention of users;

(7) Include a statement on the reasons for the closure; and

(c) In issuing orders pursuant to this section, the authorized officer shall publish them in the FEDERAL REGISTER.

(d) Any person who fails to comply with a closure or restriction order issued under this subpart may be subject to the penalties provided in § 8360.0-7 of this title.

Subpart 8365—Rules of Conduct

§ 8365.0-1 Purpose.

The purpose of this subpart is to set forth rules of conduct for the protection of public lands and resources, and for the protection, comfort and well-being of the public in its use of recreation areas, sites and facilities on public lands.

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§ 8365.0-2 Objective.

The objective of this subpart is to insure that public lands, including recreation areas, sites and facilities, can be used by the maximum number of people with minimum conflict among users and minimum damage to public lands and resources.

§ 8365.1 Public lands—general.

The rules in this subsection shall apply to use and occupancy of all public lands under the jurisdiction of the Bureau of Land Management. Additional rules for developed sites and areas are found in § 8365.2 of this title.

§ 8365.1-1 Sanitation.

(a) Whenever practicable, visitors shall pack their trash for disposal at home.

(b) On all public lands, no person shall, unless otherwise authorized:

(1) Dispose of any cans, bottles and other nonflammable trash and garbage except in designated places or receptacles;

(2) Dispose of flammable trash or garbage except by burning in authorized fires, or disposal in designated places or receptacles;

(3) Drain sewage or petroleum products or dump refuse or waste other than wash water from any trailer or other vehicle except in places or receptacles provided for that purpose;

(4) Dispose of any household, commercial or industrial refuse or waste brought as such from private or municipal property;

(5) Pollute or contaminate water supplies or water used for human consumption; or

(6) Use a refuse container or disposal facility for any purpose other than for which it is supplied.

§ 8365.1-2 Occupancy and use.

On all public lands, no person shall:

(a) Camp longer than the period of time permitted by the authorized officer; or

(b) Leave personal property unattended longer than 10 days (12 months in Alaska), except as provided under § 8365.2-3(b) of this title, unless otherwise authorized. Personal property left

unattended longer than 10 days (12 months in Alaska), without permission of the authorized officer, is subject to disposition under the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484(m)).

§ 8365.1-3 Vehicles.

(a) When operating a vehicle on the public lands, no person shall exceed posted speed limits, willfully endanger persons or property, or act in a reckless, careless or negligent manner.

(b)(1) The operator of a motor vehicle is prohibited from operating a motor vehicle in motion, unless the operator and each front seat passenger is restrained by a properly fastened safety belt that conforms to applicable United States Department of Transportation standards, except that children, as defined by State law, shall be restrained as provided by State law.

(2) Paragraph (b) applies on public lands, or portions thereof, that are located within a State in which there is no State law in effect that requires the mandatory use of a safety belt by the vehicle operator and any front seat passenger. It also applies on public lands, or portions thereof, located within a State in which the mandatory safety belt law of the State does not apply to the public lands or in which any provision of State law renders the mandatory safety belt law of the State unenforceable by the authorized officer as to acts or omissions occurring on the public lands.

(3) This section does not apply to an operator or a passenger of a motor vehicle occupying a seat that was not originally equipped by the manufacturer with a safety belt, nor does it apply to an operator or passenger with a medical condition that prevents restraint by a safety belt or other occupant restraining device.

(4) An authorized officer may not stop a motor vehicle for the sole purpose of determining whether a violation of paragraph (b)(1) of this section is being committed.

[48 FR 36384, Aug. 10, 1983, as amended at 57 FR 61243, Dec. 23, 1992]

§ 8365.1-4 Public health, safety and comfort.

(a) No person shall cause a public disturbance or create a risk to other persons on public lands by engaging in activities which include, but are not limited to, the following:

- (1) Making unreasonable noise;
- (2) Creating a hazard or nuisance;
- (3) Refusing to disperse, when directed to do so by an authorized officer;
- (4) Resisting arrest or issuance of citation by an authorized officer engaged in performance of official duties; interfering with any Bureau of Land Management employee or volunteer engaged in performance of official duties; or
- (5) Assaulting, committing a battery upon, or
- (6) Knowingly giving any false or fraudulent report of an emergency situation or crime to any Bureau of Land Management employee or volunteer engaged in the performance of official duties.

(b) No person shall engage in the following activities on the public lands:

(1) Cultivating, manufacturing, delivering, distributing or trafficking a controlled substance, as defined in 21 U.S.C. 802(6) and 812 and 21 CFR 1308.11 through 1308.15, except when distribution is made by a licensed practitioner in accordance with applicable law. For the purposes of this paragraph, delivery means the actual, attempted or constructive transfer of a controlled substance whether or not there exists an agency relationship; or

(2) Possessing a controlled substance, as defined in 21 U.S.C. 802(6) and 812 and 21 CFR 1308.11 through 1308.15, unless such substance was obtained, either directly or pursuant to a valid prescription or order or as otherwise allowed by Federal or State law, by the possessor from a licensed practitioner acting in the course of professional practice.

[48 FR 36384, Aug. 10, 1983; 48 FR 52058, Nov. 16, 1983, as amended at 54 FR 21624, May 19, 1989]

§ 8365.1-5 Property and resources.

(a) On all public lands, unless otherwise authorized, no person shall;

(1) Willfully deface, disturb, remove or destroy any personal property, or structures, or any scientific, cultural, archaeological or historic resource, natural object or area;

(2) Willfully deface, remove or destroy plants or their parts, soil, rocks or minerals, or cave resources, except as permitted under paragraph (b) or (c) of this paragraph; or

(3) Use on the public lands explosive, motorized or mechanical devices, except metal detectors, to aid in the collection of specimens permitted under paragraph (b) or (c) of this paragraph.

(b) Except on developed recreation sites and areas, or where otherwise prohibited and posted, it is permissible to collect from the public lands reasonable amounts of the following for non-commercial purposes:

(1) Commonly available renewable resources such as flowers, berries, nuts, seeds, cones and leaves;

(2) Nonrenewable resources such as rocks, mineral specimens, common invertebrate fossils and semiprecious gemstones;

(3) Petrified wood as provided under subpart 3622 of this title;

(4) Mineral materials as provided under subpart 3621 of this title; and

(5) Forest products for use in campfires on the public lands. Other collection of forest products shall be in accordance with the provisions of Group 5500 of this title.

(c) The collection of renewable or nonrenewable resources from the public lands for sale or barter to commercial dealers may be done only after obtaining a contract or permit from an authorized officer in accordance with part 3610 or 5400 of this title.

§ 8365.1-6 Supplementary rules.

The State Director may establish such supplementary rules as he/she deems necessary. These rules may provide for the protection of persons, property, and public lands and resources. No person shall violate such supplementary rules.

(a) The rules shall be available for inspection in each local office having jurisdiction over the lands, sites or facilities affected;

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(b) The rules shall be posted near and/or within the lands, sites or facilities affected;

(c) The rules shall be published in the FEDERAL REGISTER; and

(d) The rules shall be published in a newspaper of general circulation in the affected vicinity, or be made available to the public by such other means as deemed most appropriate by the authorized officer.

§ 8365.1-7 State and local laws.

Except as otherwise provided by Federal law or regulation, State and local laws and ordinances shall apply and be enforced by the appropriate State and local authorities. This includes, but is not limited to, State and local laws and ordinances governing:

- (a) Operation and use of motor vehicles, aircraft and boats;
- (b) Hunting and fishing;
- (c) Use of firearms or other weapons;
- (d) Injury to persons, or destruction or damage to property;
- (e) Air and water pollution;
- (f) Littering;
- (g) Sanitation;
- (h) Use of fire;
- (i) Pets;
- (j) Forest products; and
- (k) Caves.

§ 8365.2 Developed recreation sites and areas.

The rules governing conduct and use of a developed recreation site or area shall be posted at a conspicuous location near the entrance to the site or area.

§ 8365.2-1 Sanitation.

On developed recreation sites and areas, no person shall, unless otherwise authorized:

- (a) Clean fish, game, other food, clothing or household articles at any outdoor hydrant, pump, faucet or fountain, or restroom water faucet;
- (b) Deposit human waste except in toilet or sewage facilities provided for that purpose; or
- (c) Bring an animal into such an area unless the animal is on a leash not longer than 6 feet and secured to a fixed object or under control of a person, or is otherwise physically restricted at all times.

§ 8365.2-2 Audio devices.

On developed recreation sites or areas, unless otherwise authorized, no person shall:

(a) Operate or use any audio device such as a radio, television, musical instrument, or other noise producing device or motorized equipment in a manner that makes unreasonable noise that disturbs other visitors;

(b) Operate or use a public address system;

(c) Construct, erect or use an antenna or aerial for radiotelephone, radio or television equipment, other than on a vehicle or as an integral part of such equipment.

§ 8365.2-3 Occupancy and use.

In developed camping and picnicking areas, no person shall, unless otherwise authorized:

(a) Fail to pay any fees imposed in accordance with 36 CFR part 71.

(b) Pitch any tent, park any trailer, erect any shelter or place any other camping equipment in any area other than the place designed for it within a designated campsite;

(c) Leave personal property unattended for more than 24 hours in a day use area, or 72 hours in other areas. Personal property left unattended beyond such time limit is subject to disposition under the Federal Property and Administration Services Act of 1949, as amended (40 U.S.C. 484(m));

(d) Build any fire except in a stove, grill, fireplace or ring provided for such purpose;

(e) Enter or remain in campgrounds closed during established night periods except as an occupant or while visiting persons occupying the campgrounds for camping purposes;

(f) Enter or use a site or a portion of a site closed to public use; or

(g) Occupy a site with more people than permitted within the developed campsite. Limits on the number of occupants permitted at any site shall be clearly posted near the entrance of the developed campsite or facility in such a manner as to bring it to the reasonable attention of the user.

(h) Move any table, stove, barrier, litter receptacle or other campground equipment.

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§ 8365.2-4 Vehicles.

Unless otherwise authorized, no motor vehicle shall be driven within developed recreation sites or areas except on roads or places provided for this purpose.

§ 8365.2-5 Public health, safety and comfort.

On developed recreation sites and areas, unless otherwise authorized, no person shall:

- (a) Discharge or use firearms, other weapons, or fireworks; or
- (b) Bring an animal, except a Seeing Eye or Hearing Ear dog, to a swimming area.

PART 8370—USE AUTHORIZATIONS

NOTE: The information collection requirements of 43 CFR part 8370 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1004-0119. The information will be used to determine whether applicants for Special Recreation Permits on public lands should be granted such permits. The obligation to respond is required to obtain a benefit.

[49 FR 34337, Aug. 29, 1984]

Subpart 8371—Recreation Use Permits, Developed Sites [Reserved]

Subpart 8372—Special Recreation Permits Other Than on Developed Recreation Sites

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AUTHORITY: 16 U.S.C. 460l-6a, 16 U.S.C. 670(g-n), 16 U.S.C. 1271-1287, 6 U.S.C. 1241-1249, 43 U.S.C. 1181(a), 43 U.S.C. 1201, 43 U.S.C. 1701 *et seq.*

43 CFR Ch. II (10-1-01 Edition)

SOURCE: 43 FR 40738, Sept. 12, 1978, unless otherwise noted.

Subpart 8371—Recreation Use Permits, Developed Sites [Reserved]

Subpart 8372—Special Recreation Permits Other Than on Developed Recreation Sites

§ 8372.0-1 Purpose.

This subpart sets forth the procedures for authorizing certain recreational uses of lands and waters administered by the Bureau.

§ 8372.0-2 Objective.

To establish a permit and fee system for certain recreation uses of lands and waters administered by Bureau.

§ 8372.0-3 Authority.

The rules in this subpart are issued pursuant to: 43 U.S.C. 1201; 43 U.S.C. 1701 *et seq.*; 43 U.S.C. 1181a; 16 U.S.C. 460l-6a; 16 U.S.C. 670g-n; 16 U.S.C. 1271-1287; 16 U.S.C. 1241 through 1249.

[43 FR 40738, Sept. 12, 1978, as amended at 49 FR 34337, Aug. 29, 1984]

§ 8372.0-5 Definitions.

For the purposes of this subpart:

- (a) *Commercial use* is recreational use of the public lands for business or financial gain. When any permittee, employee or agent of a permittee, operator, or participant makes or attempts to make a profit, salary, increase his business or financial standing, or supports, in any part, other programs or activities from amounts received from or for services rendered to customers or participants in the permitted activity, as a result of having the special recreation permit, the use will be considered commercial. Subsistence activities of Alaskan Natives (as defined in the Alaska Native Claims Settlement Act) in Alaska are not considered recreational use. The collection by a permittee or his agent of any fee, charge, or other compensation which is not strictly a sharing of, or is in excess of, actual expenses incurred for the purposes of the activity or use shall make